

ASSEMBLY BILL

No. 2007

Introduced by Assembly Member Williams

February 23, 2012

An act to add Division 10.11 (commencing with Section 11999.40) to the Health and Safety Code, relating to alcohol and drug abuse counselors.

LEGISLATIVE COUNSEL'S DIGEST

AB 2007, as introduced, Williams. Alcohol and drug abuse counselors.

Existing law establishes the State Department of Alcohol and Drug Programs for the purposes, among other things, of determining the qualifications, including the appropriate skills, education, training, and experience of personnel working within alcoholism or drug abuse recovery and treatment programs, as specified.

This bill, upon the elimination of the State Department of Alcohol and Drug Programs, would require the State Public Health Officer to adopt regulations relating to the licensure and certification of alcohol and drug abuse counselors.

This bill would provide that the criteria for obtaining a license would include holding a master's degree or higher from a program specializing in or having substantial course content in alcohol or drug abuse counseling or a related field, demonstrating competence by an examination administered by the State Department of Public Health, and holding a valid, advanced certification, as specified. The bill would provide that, commencing January 1, 2013, and until January 1, 2014, or the finalizing of the above-described regulations, whichever is later, an applicant may be deemed to be licensed without meeting this

licensing criteria if he or she meets specified alternative requirements. This bill would provide that the criteria for certification would be required to be consistent with existing regulations governing certification of counselors.

This bill would require the State Department of Public Health to set license and license renewal fees, not to exceed \$200. This bill would establish the Alcohol and Drug Treatment Professionals Licensing Fund in the State Treasury, consisting of licensing fees, to be used upon appropriation by the Legislature for purposes authorized by the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Division 10.11 (commencing with Section
2 11999.40) is added to the Health and Safety Code, to read:

3
4 DIVISION 10.11. ALCOHOL AND DRUG ABUSE
5 TREATMENT SERVICES
6

7 11999.40. Upon the elimination of the State Department of
8 Alcohol and Drug Programs, the State Public Health Officer shall
9 adopt regulations relating to licensed alcohol and drug abuse
10 counselors (LADC). These regulations shall include both of the
11 following:

12 (a) Standards for licensure of alcohol and drug abuse counselors,
13 including, but not limited to, the criteria described in subdivision
14 (b) of Section 11999.41.

15 (b) Standards for certification of alcohol and drug abuse
16 counselors consistent with the regulations established in Chapter
17 8 (commencing with Section 13000) of Division 4 of Title 9 of
18 the California Code of Regulations.

19 11999.41. (a) For purposes of this section, the following
20 definitions shall apply:

21 (1) "Department" means the State Department of Public Health.

22 (2) "License" means an alcohol and drug abuse counselor
23 license.

24 (b) An applicant for a license shall meet, at a minimum, all of
25 the following criteria:

1 (1) Holds a master's degree or higher from a program
2 specializing in, or having substantial course content in, alcohol or
3 drug abuse counseling or a related field.

4 (2) Has demonstrated competence by an examination
5 administered or approved by the department.

6 (3) Holds a valid, advanced certification from an organization
7 that, as of January 1, 2012, was authorized by the State Department
8 of Alcohol and Drug Programs to register and certify alcohol or
9 drug counselors.

10 (c) (1) A license shall be valid for three years unless at any
11 time during that period, it is revoked or suspended pursuant to
12 subdivision (f). An applicant shall apply to renew a license prior
13 to the expiration of the three-year period.

14 (2) When an applicant who qualifies under subdivision (e)
15 applies to renew a license, he or she may apply to renew under the
16 criteria described in subdivision (e).

17 (3) To qualify to renew a license, a licenseholder, including
18 licenseholders licensed pursuant to subdivision (e), shall have
19 completed 90 hours of continuing education units during the
20 three-year period described in paragraph (1). At least 30 of the 90
21 hours shall be continuing education units in ethics.

22 (d) The department shall set the fee for a license and license
23 renewal. The fee for the license or license renewal shall not exceed
24 two hundred dollars (\$200).

25 (e) Commencing January 1, 2013, and until January 1, 2014 or
26 the finalization of the licensure regulations developed pursuant to
27 subdivision (a) of Section 11999.40, whichever is later, upon
28 payment of the license fee described in subdivision (d), an applicant
29 may be deemed to be licensed without meeting the criteria for
30 licensure otherwise described in this section if he or she meets
31 both of the following:

32 (1) He or she holds an advanced credential recognized by an
33 organization that, as of January 1, 2012, was authorized by the
34 State Department of Alcohol and Drug Programs to register and
35 certify alcohol or drug counselors.

36 (2) He or she is currently credentialed and in good standing with
37 an organization described in paragraph (1) and has no history of
38 disciplinary action by the organization.

39 (f) The department may revoke a license if either of the
40 following occurs:

1 (1) The licenseholder loses his or her credential, or is placed on
2 probationary status.

3 (2) The licenseholder has been convicted of a felony charge
4 that, in the State Public Health Officer's determination, is
5 substantially related to the qualifications, functions, or duties of
6 an alcohol or drug abuse counselor. A plea of guilty or nolo
7 contendere to a felony charge shall be deemed to be a conviction
8 for purposes of this paragraph.

9 11999.42. The Alcohol and Drug Treatment Professionals
10 Licensing Fund is hereby created in the State Treasury, consisting
11 of fees deposited pursuant to this division.

12 (a) Moneys in the fund shall be available, upon appropriation
13 by the Legislature, for purposes of administering this division.

14 (b) It is the intent of the Legislature that the program carried
15 out pursuant to this division be fully supported from fees collected
16 pursuant to Section 11999.41.